

Declaration of Braden H. Boucek

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

ROBERT HOLMAN,)
Plaintiff,)
v.) Civil Action No. 1:21-cv-01085-STA-jay
THOMAS J. VILSACK, in his official)
capacity as Secretary of the United States)
Department of Agriculture, and)
ZACH DUCHENEAUX, in his official)
capacity as Administrator of the Farm Service)
Agency,)
Defendants.)

DECLARATION OF BRADEN H. BOUCEK

1. The facts set forth in this declaration are based on my knowledge and, if called as a witness, I can competently testify to their truthfulness under oath.
2. I am over the age of 18, have personal knowledge of the facts set forth herein, and am competent to testify.
3. I make this declaration in support of the motion for attorney fees incurred in the successful representation in this matter before the United States District Court for the Western District of Tennessee.
4. I previously filed two declarations in support of the motion for attorney fees. *See* Doc. 85-2 at PageID # 1306-1311; Doc. 91-1 at PageID # 1600-1601. They are incorporated here by reference.

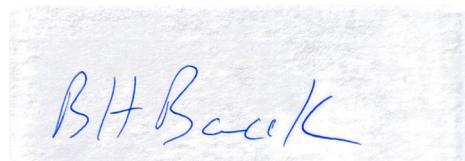
5. Since the time I filed the initial motion, I have accrued additional time reviewing the Court's order for supplemental briefing, the government's supplemental brief, reviewing relevant case law, and preparing a response.

6. All of the additional attorney time on behalf of SLF and for which Plaintiff is seeking fees is listed in Exhibit 1.

7. Exhibit 1 represents contemporaneous time sheets, computer files, and other contemporaneous documentation maintained in the regular course of business by SLF. It is the regular practice of the SLF to make and keep the types of records set forth in the attachment. These records have been in the custody supervision and control of SLF employees and accurately reflect the reasonable attorneys' fees that I have concluded in my professional judgment are appropriate for recover in this matter.

8. As Exhibit 1 indicates, SLF has accrued an additional **9.5 hours** since it filed the last declaration. When combined with the original request for 278 hours, the total is now **287.5 hours** of SLF's time.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct and that, if called upon to do so, I can competently testify of my personal knowledge of the matters stated herein.

A handwritten signature in blue ink that reads "BH Boucek". The signature is written in a cursive style with "BH" on top and "Boucek" below it.

Dated: December 29, 2022.

BRADEN H. BOUCEK

Billing Records of Southeastern Legal Foundation

Date	User	Duration/Quantity	Description
10/20/2022	Braden Boucek	0.1	Emailing Mr. Holman with updates on attorney fee motions and case documents.
11/29/2022	Braden Boucek	0.2	Reviewing order for supplemental briefing; email exchange with W. Trachman, K. Hermann, and C. O'Leary.
12/14/2022	Braden Boucek	0.3	Researching for supplemental brief; reviewing pleadings in 6th Cir. on cases mooted due to legislative change.
12/16/2022	Braden Boucek	0.1	Emailing Mr. Holman with case update.
12/21/2022	Braden Boucek	2.9	Preparing for supplemental brief; reviewing order requiring additional briefing, motion for attorney fee pleading, and Tenn. State Conf. v. Hargett (Hargett).
12/22/2022	Braden Boucek	2.8	Drafting and editing response to defendants' supplemental brief.
12/22/2022	Braden Boucek	0.1	Emailing K. Snow and W. Trachman re: settlement per court's order.
12/23/2022	Braden Boucek	1.3	Preparing response to supplemental brief; reviewing cases, editing brief.
12/24/2022	Braden Boucek	0.4	Editing response to supplemental brief.
12/26/2022	Braden Boucek	0.4	Editing response to supplemental brief; emailing W. Trachman for comments.
12/26/2022	Braden Boucek	0.1	Email exchange with K. Snow and W. Trachman re: USDA position on settling fees.
12/28/2022	Braden Boucek	0.8	Editing response to supplemental brief on attorney fees and attorney declarations.
TOTAL		9.5	

Declaration of William Trachman

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

ROBERT HOLMAN,)
Plaintiff,)
v.) Civil Action No. 1:21-cv-01085-STA-jay
THOMAS J. VILSACK, in his official)
capacity as Secretary of the United States)
Department of Agriculture, and)
ZACH DUCHENEAUX, in his official)
capacity as Administrator of the Farm Service)
Agency,)
Defendants.)

DECLARATION OF WILLIAM E. TRACHMAN

1. The facts set forth in this declaration are based on my knowledge and, if called as a witness, I can competently testify to their truthfulness under oath.
2. I am over the age of 18, have personal knowledge of the facts set forth herein, and am competent to testify.
3. I make this declaration in support of the motion for attorney fees incurred in the successful representation in this matter before the United States District Court for the Western District of Tennessee.
4. I previously filed two declarations in support of the motion for attorney fees. *See* Doc. 85-2 at PageID # 1329-1333; Doc. 91-1 at PageID # 1605-1606. They are incorporated here by reference.

5. Since the time I filed the initial motion, I have accrued additional time reviewing the Defendants' response and preparing a reply.

6. All of the additional attorney time on behalf of SLF and for which Plaintiff is seeking fees is listed in Exhibit 1.

7. Exhibit 1 represents contemporaneous time sheets, computer files, and other contemporaneous documentation maintained in the regular course of business by Mountain States Legal Foundation (MSLF). It is the regular practice of the MSLF to make and keep the types of records set forth in the attachment. These records have been in the custody supervision and control of MSLF employees and accurately reflect the reasonable attorneys' fees that I have concluded in my professional judgment are appropriate for recover in this matter.

8. As Exhibit 1 indicates, MSLF has accrued an additional 3.5 hours. When combined with the original request for 93.6 hours, the total is now 97.1 of MSLF's time.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct and that, if called upon to do so, I can competently testify of my personal knowledge of the matters stated herein.

Dated: December 29, 2022.

/s William E. Trachman
William E. Trachman

Billing Records of Mountain States

Date	User	Duration/Quantity	Description
11/29/2022	William E. Trachman	0.3	Review order re: additional briefing in Holman, correspondence re Holman with B. Boucek
12/14/2022	William E. Trachman	0.2	Review Holman brief filed by government
12/16/2022	William E. Trachman	0.9	Review Holman brief, correspondence with Boucek re: reaction and planning for reply
12/16/2022	William E. Trachman	0.1	Confer re: deadline to respond to Holman brief
12/22/2022	William E. Trachman	0.3	Discuss Holman supplemental brief, key elements of response
12/26/2022	William E. Trachman	0.5	Discuss conferral order in Holman, draft conferral statement
12/26/2022	William E. Trachman	0.1	Review conferral email from opposing counsel
12/28/2022	William E. Trachman	1.1	Review Holman brief, edit and revise, correspondence re: revisions and theories